



BARRACK | RODOS | BACINE

A Professional Corporation
ATTORNEYS AT LAW

Mark R. Rosen
mrosen@barrack.com

April 8, 2015

Via ECF

The Honorable William H. Pauley, III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1920
New York, NY 10007

**Re: Letter Specifying Motion Papers and Memoranda
*Pennsylvania Public School Employees' Retirement System, etc. v.
Bank of America Corporation, et al., 11-CV-00733-WHP (S.D.N.Y.)***

Dear Judge Pauley:

In compliance with your individual practices, we hereby submit this letter with our reply memorandum specifying each motion paper and memorandum filed in connection with Lead Plaintiff's Motion to Compel Discovery Withheld Based upon the Assertion of Bank Examination Privilege.

Lead Plaintiff has filed the following motion papers and memoranda:

- D.I. 291: MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (with attached text of proposed order);
- MEMORANDUM OF LAW in Support re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (filed under seal). Redacted version at D.I. 292;
- D.I. 293: DECLARATION of Mark R. Rosen in Support re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (with attached exhibits);
- D.I. 294: CERTIFICATE OF SERVICE of Motion to Compel, Memorandum of Law in Support (Redacted), Declaration of Mark R. Rosen, Exhibit A and Exhibit B (Redacted) to Rosen Declaration served on Counsel on March 2, 2015;



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- REPLY MEMORANDUM OF LAW in Support re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (filed under seal). Redacted version at 312; and
- D.I. 313: CERTIFICATE OF SERVICE of Reply Memorandum of Law in Support.

Defendant Bank of America has filed the following motion papers and memorandum:

- D.I. 295: RESPONSE to Motion re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege; and
- D.I. 296: DECLARATION of Scott D. Musoff in Support re: 295 Response to Motion (with attached exhibits).

The Board of Governors of the Federal Reserve System has filed the following motion papers and memorandum:

- D.I. 303: MEMORANDUM OF LAW in Opposition re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege; and
- D.I. 304: DECLARATION of Yvonne F. Mizusawa in Opposition re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (with attached exhibit).

The Federal Deposit Insurance Corporation (FDIC) has filed the following motion paper:

- D.I. 305: FIRST LETTER addressed to Judge William H. Pauley, III from Thomas M. Clark dated March 23, 2015 re: the Court's January 22, 2015 Order (Doc # 279) re: Bank Examiner Privilege.

The Office of the Comptroller of the Currency (OCC) has filed the following memorandum:

- D.I. 306: MEMORANDUM OF LAW in Opposition re: 291 MOTION to Compel Bank of America to provide discovery withheld based upon the defendants assertion of the bank examination privilege (with attached Affidavit Declaration of Amber N. Melton in



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Support of Non-Party Office of the Comptroller of the Currency's Response in
Opposition to Plaintiff's Motion to Compel).
Thank you for your kind attention.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Mark R. Rosen', written over the word 'Respectfully,'.

Mark R. Rosen

MRR:rpb

cc: All Counsel (*via ECF*)